Held, that an inspection law for the sole purpose of aiding in the detection and punishment of crime or fraud against an industry is valid. Baker, J., *dissenting*.

A state may make rules for the conduct of the most necessary and common occupations when from their nature they afford peculiar opportunities for imposition and fraud. *Cooley, Cons. Lim.*, 7th Ed., 886; *Hawthorn v. People*, 109 Ill. 308. Also when the business affords peculiar opportunities for the commission of crime. *Comm. v. Ducey*, 126 Mass. 269. But a state cannot make a law designed to detect or prevent crime an inspection law, within the constitutional meaning of that word, by calling it so in the title. *People v. Compagnie Générale*, 107 U. S. 59; *Soon Hing v. Crowley*, 113 U. S. 703, 710. Such inspection law to be valid must not substantially hamper or burden either foreign or interstate commerce. *Railroad v. Husen*, 95 U. S. 465. Yet although such state regulations may affect interstate commerce in some measure, if the regulations are local in their nature and adapted to the locality they will not be considered void unless they run counter to legislation that Congress has enacted. *Cooley, Prin. of Cons. Law*, 71.

CRIMINAL LAW—EVIDENCE—REFRESHING MEMORY.—STATE V. ASPARA, 37 So. 883 (LA.).—*Held*, that a witness in a criminal trial may refresh his memory by referring to testimony previously given by him on the preliminary hearing of the accused.

In most jurisdictions a witness cannot have recourse to his previous testimony before the grand jury. *Putnam v. U. S.*, 162 U. S. 687; *Comm. v. Phelps*, 77 Mass. 73; *contra*, *State v. Miller*, 53 Iowa 154. But when a witness for the prosecution manifests a disposition to favor the defendant, the prosecution may call his attention to such previous testimony. *Hurley v. State*, 46 O. St. 320. It is generally held that the attention of a witness may be called to the testimony given by him in a previous trial of the same case. *People v. Palmer*, 105 Mich. 568. But the testimony of a witness on the trial of another defendant in the same indictment cannot be read to him for any purpose. *Brown v. State*, 28 Ga. 199. The ruling in the present case regarding testimony given at a prior preliminary examination seems to follow the weight of authority. *Harvey v. State*, 40 Ind. 516; *White v. State*, 18 Tex. App. 57.

DEAD BODIES—ACTION FOR MUTILATION—DAMAGES.—KOERBER V. PATEK, 102 N. W. 40 (WIS.).—*Held*, that the sense of outrage and mental suffering resulting directly from the wilful mutilation by defendant of the body of plaintiff's deceased mother are proper independent elements of compensatory damages.

Damages will be allowed for mental suffering, without physical injury, where the suffering was caused by a wanton act. *Gillespie v. Brooklyn H. R. R.*, 178 N. Y. 347. For an authorized autopsy damages will not lie where it was shown to be conducted in the ordinary way. *Winkler v. Hawkes et al.*, 102 N. W. 418 (Iowa); *Cook v. Walley*, 1 Colo. App. 163. As to authorized autopsies see the leading case of *Larson v. Chase*, 47 Minn. 307; also a discussion in the *N. Y. Law Journal*, Vol. 32, p. 1954; *Hockenhammer v. L. & E. Ry. Co.*, 24 Ky. L. Rep. 2383.

DEATH BY WRONGFUL ACT—PASSENGER ON CONSTRUCTION TRAIN—LIABILITY OF COMPANY.—PENNSYLVANIA CO. V. COYER, 72 N. W. 875 (ILL.).—Decedent, an employee of a construction company, received notice from the railroad company of a rule forbidding the employees of the construction company to ride on a work train. *Held*, that habitual violation of such rule by

such employees, and a failure to enforce it by the conductor or other persons having charge of the trains will not render the company liable for the death of the decedent, in the absence of proof that the company had knowledge of such disregard, and acquiesced therein.

A passenger is "one who travels in some public conveyance, by virtue of a contract, express or implied, with the carrier, as to the payment of fare or that which is accepted as an equivalent therefor." *Bucker v. R. Co.*, 132 Pa. 1; *Penn. R. Co. v. Price*, 96 Pa. 256. It is presumed that persons riding on trains which clearly are not designed for the transportation of passengers are not lawfully there. *Waterbury v. N. Y., etc., R. Co.*, 21 Blatchf. 314. The burden of proof is on one riding on such a train to show that the carrier has departed from this rule. *Robertson v. N. Y., etc., R. Co.*, 22 Barb. 91. Conductors and other employees in charge of a train have no authority to relax such rule, either to invite or permit persons to take passage thereon. *Eaton v. Del., etc., R. Co.*, 57 N. Y. 382; *Houston, etc., Ry. Co. v. Moore*, 49 Tex. 31; *Waterbury v. N. Y., etc., R. Co., supra.* But one having paid his fare and entered the "saloon" car of a freight train, contrary to the company's regulations, was allowed to collect for injuries, on the ground that the company knew of such violation. *Dunn v. G. T. R. Co.*, 58 Me. 187.

EASEMENTS—LOT BOUNDED ON STREET MARKED ON PLAT.—EDWARDS V. MOUNDSVILLE LAND CO., 48 S. E. 754 (W. VA.).—*Held*, that purchasers of lots have a right to have all the streets marked on the plat by which they purchased kept open as streets, and their rights are not confined to the part of the street in front of the lots purchased by them.

The extent of the rights acquired by purchasers of lots with reference to a plat does not seem to be definitely settled. This court follows the best decisions, and adopts the "unity plan," whereby purchasers acquire an easement in the streets as marked in the whole plat, and not merely in an adjacent street. *Moale v. Mayor*, 5 Md. 314; *Derby v. Alling*, 40 Conn. 410; *Winona v. Huff*, 11 Minn. 119. A private purchaser acquires this right at the time of purchase, although the public has as yet no right to use and control, by either acceptance or user. *Wolfe v. Sullivan*, 133 Ind. 331; *In re Pearl Street*, 111 Pa. 565. But many courts hold, in the absence of either acceptance or user by the public, that the purchaser is entitled only to have an adjacent street kept open for its full width to the nearest traveled highway, and that he has no right in other streets designated on the plat. *Randall v Hall*, 4 DeG. & Sm. 343; *Mahler v. Brumder*, 92 Wis. 477.

EQUITY—NOTICE—SALE BY BONA FIDE PURCHASER.—LIVINGSTONE V. MURPHY, 72 N. E. 1012 (MASS.).—*Held*, that one purchasing from a bona fide purchaser though himself having notice takes the title of his grantor.

A person who has bought in good faith, without notice of an equity, and thereby holds a good title can convey an equally good title to any purchaser whether that purchaser has notice of the equity or not. *The D. M. French*, Fed. Cas. No. 3,938; *Barber v. Richardson*, 57 Vt. 408. The reason for the above rule is to prevent a stagnation of property and because the purchaser being entitled to hold and enjoy must be equally entitled to sell. *Bumpus v. Plattner*, 1 Johns. Ch. 213; *Trueluck v. Peoples*, 3 Kelly 446. But the rule does not apply where the purchaser without notice or his successor sells to one through whose hands the property has once passed and who at that time could not shield himself behind a *bona fide* purchaser by himself or one through whom he took. *Church v. Ruland*, 64 Pa. 444; *Bisp., Equity*, sec. 265.